

AMENDMENTS TO THE DRAWINGS:

Please amend the drawing figures as indicated on the two Annotated Sheets attached to this Amendment, which are marked-up copies of the drawing sheets containing Figs. 5 and 6. As indicated in the Annotated Sheets, Applicants have amended Figs. 5 and 6, such that those drawing figures comply with the symbol requirements of M.P.E.P. § 608.02. Applicants have also attached two Replacement Sheets, which incorporate the changes shown on the two Annotated Sheets.

REMARKS

By this Amendment, Applicants have amended the Abstract of the Disclosure, claim 37, and Figs. 5 and 6. No new matter has been added. Claims 20-38 are pending on the merits.

As an initial matter, Applicants appreciate the Examiner's indication that claims 20-36 are allowed, although Applicants do not necessarily agree with the Examiner's statement of reasons for allowance. Office Action at 4-5. In particular, Applicants respectfully submit that the reasons for allowance indicated by the Examiner may not be the only reasons that claims 20-36 are allowable.

I. Objection to the Drawings

The drawings were objected to "because Figures 5-6 lack[] the proper cross-hatching which indicates the type of materials, which may be in an invention. Office Action at 2. Applicants have amended Figs. 5 and 6, such that those drawing figures comply with the symbol requirements of M.P.E.P. § 608.02. Applicants respectfully submit that the claims should not be interpreted based on inferences relating to the cross-hatching symbols designated in M.P.E.P. § 608.02 and added to Figs. 5 and 6, which show exemplary embodiments. Rather, the claims should be interpreted based on the broadest reasonable interpretation consistent with U.S. practice of the terminology recited in the claims themselves. Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

II. Objection to the Abstract of the Disclosure

In the Office Action, the Abstract of the Disclosure has been objected for reciting "[t]he process according to the invention" Office Action at 3. Applicants have amended the Abstract of the Disclosure such that "according to the invention" has been deleted, as suggested by the Examiner. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to the Abstract of the Disclosure.

III. Rejection of Claims 37 and 38 under 35 U.S.C. § 102(b) based on Belli

Claims 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/52197 to Belli et al. ("Belli"). Office Action at 4. Claim 37 is the only independent claim included in that claim rejection, and Applicants respectfully traverse the § 102(b) rejection of that claim because Belli fails to disclose all of the subject matter recited in Applicants' independent claim 37.

Applicants' independent claim 37 is directed to an electrical cable, including, *inter alia*, "a circumferentially closed metal shield; and an impact protecting element in a position radially external to the metal shield, said impact protecting element comprising at least one non-expanded polymeric layer around said metal shield and at least one expanded polymeric layer radially external to said non-expanded polymeric layer." Belli fails to disclose at least this subject matter.

The rejection statement asserts that Belli discloses "[an] impact protecting element (10 & 6) compris[ing] at least one non-expanded polymeric layer (6) surrounding [a] metal shield (5) and at least one expanded polymeric layer (10) . . . radially internal to the non[-]expanded polymeric layer (6)." Office Action at 4.

Applicants respectfully submit that rather than disclosing an expanded polymeric layer radially internal to the non-expanded polymeric layer, Belli discloses a “layer of expanded polymeric material (10) and an outer polymer sheath (6).” (P. 13, ll. 3-8; Fig. 3.) Thus, Belli discloses the outer polymer sheath (6) being external to (i.e., rather than internal to) the expanded polymer material (10). Thus, Belli fails to disclose “[an] impact protecting element comprising at least one non-expanded polymeric layer around [a] metal shield and at least one expanded polymeric layer radially external to said non-expanded polymeric layer,” as recited in Applicants’ independent claim 37.

In addition, Applicants respectfully disagree with the rejection statement’s assertion that layer 4 of Belli is an expanded polymeric layer. See Office Action at 4. Contrary to that assertion, Belli discloses that layer 4 is “an outer semiconductive layer” rather than an expanded polymeric layer. (See, e.g., p. 13, line 6.) For at least this additional reason, Belli fails to disclose all of the subject matter recited in Applicants’ independent claim 37.

For at least the above-outlined reasons, Belli fails to disclose all of the subject matter recited in independent claim 37, and thus, independent claim 37 is patentably distinguishable from Belli. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of independent claim 37 based on Belli. Claim 38 depends from independent claim 37 and should be allowable for at least the same reason independent claim 37 is allowable.

IV. Conclusion

For at least the above-outlined reasons, Applicants' claims 37 and 38 should be allowable. Claims 20-36 have been allowed. Accordingly, Applicants respectfully request reconsideration of this application, withdrawal of the objections and claim rejection, and allowance of claims 20-38.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6559.

Applicants respectfully submit that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 21, 2007

By: 
Christopher T. Kent
Reg. No. 48,216

Attachments: Copy of Abstract of the Disclosure on a separate sheet.

Two marked-up copies of the drawing sheets containing Figs. 5 and 6, labeled "Annotated Sheets."

Two Replacement Sheets of drawings containing corrected Figs. 5 and 6.



ANNOTATED SHEET

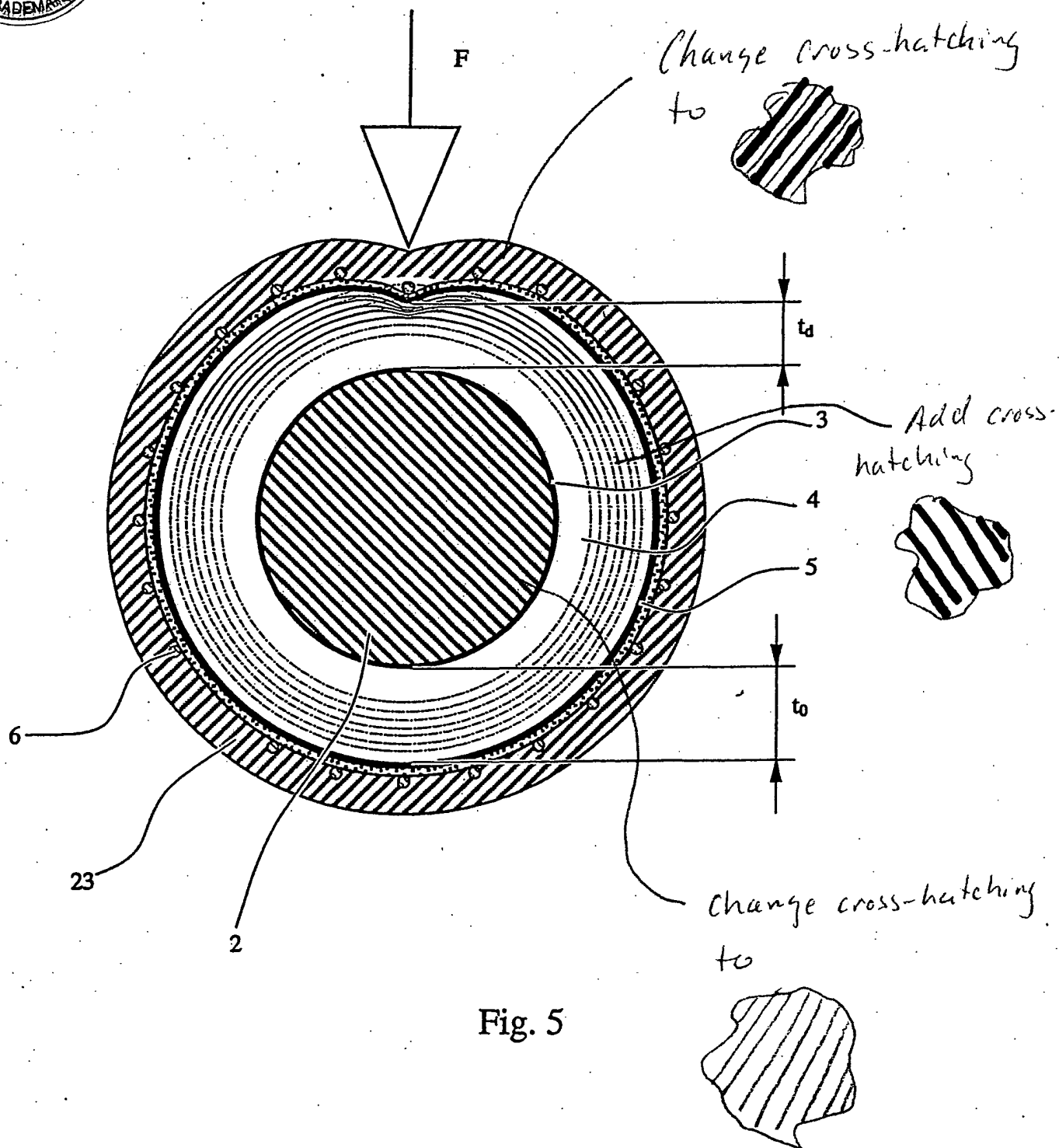


Fig. 5

ANNOTATED SHEET

